

City Council of the Mayor and Council of New Castle
Special City Council Workshop
Town Hall – 201 Delaware Street
Tuesday – October 6, 2009 – 6 p.m.

Present:

Council President William Barthel
Councilperson Ted Megginson
Councilperson John Cochran
Councilperson John Gaworski

Absent:

Councilperson Teel Petty

Also present: City Administrator Cathryn Thomas

Agenda

1. Discussion of a Clearwire Co. tower proposal near Suzi Park, which may involve MSC water tower.

Administrator Thomas provided background on the proposal. The City was approached by the Clearwire company about putting up a tower on City land by Suzi Park. The good news is the City would receive revenue; the bad news is it would involve a new tower.

MSC has had a policy against putting antennas on the water tower. Therefore, the City was exploring a new tower or, with the six-story apartment building going in that area, the company could try to put it on top of that building.

MSC has changed its thinking and could be amenable to putting an antenna on the water tank. Administrator Thomas noted, however, that once one company is provided this opportunity, then other requests may follow. MSC may control how much they allow on the water tank. The City, however, should consider that for each wireless provider on the tank, there would be associated ground equipment. The Council needs to think about if they would allow these ground installations to encroach into Suzi Park near the water tank. Clearwire already has an antenna on the existing tower on City land, but needs another. Building Official Bergstrom is to lay out for Clearwire what it needs to provide the City to show it is necessary for another tower, as required by City rules.

Chip Patterson of MSC provided some history and background on MSC's policy. Administrator Thomas had asked MSC to take another look at its policy prohibiting antennas on the water tank. Upon review, the Commission accepted it is now standard in the industry to do these kinds of attachments.

The Commissioners asked that the cost of making improvements to provide access to the tower come out of the initial revenues for leasing space. After that, the revenues would go to the City.

If City Council wants to do it and finds it an acceptable place, MSC will work with the company to address the technical issues, Mr. Patterson said.

Jay Guyer of MSC explained that, if the City decides to go down this route, other carriers will want to come in. One issue is where you place the facilities so they don't interfere with painting the tank.

Councilperson Cochran asked if the City OKs this, does it mean it must allow everyone else to attach to the tower as well?

Administrator Thomas explained that the federal rules state a municipality cannot prohibit cell towers in all zones. There must be zones or areas in which they would be allowed. In addition, even if they are not allowed in a specific zone, if a company can technologically demonstrate that, in order to give some level of service it must be in a certain area, they need to be able get permission from the City to go there, either on public or private land.

Councilperson Gaworski asked about the levels of radiation.

Danielle Kovach, a Clearwire representative, said she would provide the health and safety report. The contract would call for the company to pay for the removal of equipment if needed for maintenance, she added.

Councilperson Cochran asked about the length of the lease.

The company representative said most standard leases are five years with four additional five-year terms. The standard contract is \$1,000 a month with 3 percent annual escalator.

President Barthel said he thinks the City can proceed investigating the use of the water tank, to see where it leads, working with the company and MSC.

2. Discussion with Immanuel Church concerning land owned by the Church and their work with the national non-profit group, the Trust for Pubic Land (TPL), to obtain grant funding and possibly transfer ownership of the land to the City to be preserved as open space and passive recreation.

Hunter Ficke, representing Immanuel Episcopal Church, explained the leadership of the Church is pursing opportunities to preserve in perpetuity approximately 42 acres of open space at the northeast entrance to historic New Castle.

The combination of woods and marshland was an 18th century bequest to the Church. Over the past year, the Church completed some subdivision work, splitting the land into three parcels: one parcel with six acres was sold; a parcel was used to expand the cemetery; and the remaining 42-acre parcel.

Church officials communicated their interest in preserving the land to the City and the Trustees of the New Castle Common. During one session, Mr. Ficke explained, Administrator Thomas gave them the contact for the Trust for Public Land, a group she had worked with earlier in her career in land preservation activities.

Kent Whitehead, a TPL official, came to meet with church leaders and explained about the group and how it works. The property is a good candidate for Coastal Wetlands Grants from the U.S. Fish & Wildlife Service that are for up to \$1 million. The grants require a match of at least 25 percent by state or local funds. Mr. Whitehead felt that approaching the State of Delaware over a two-year period might provide the matching funds.

Mr. Whitehead met with representatives from the church, the City and the Trustees in August. The church has engaged an attorney and is pursuing an agreement with TPL to identify alternatives to land development.

Mr. Ficke explained that if an agreement among the parties is reached, a tentative schedule calls for an application to be submitted to the State of Delaware Land and Conservation Fund in Fall 2009. The goal is to secure approval for first round funding in December. Application to the Fish & Wildlife

Service for a grant would be submitted in June 2010 and the application for a second round State of Delaware funding would go in during Fall 2010.

If funding is obtained, the church would be looking at completion of the effort in March 2011.

President Barthel asked how they determine the fair market value of land.

Mr. Ficke explained TPL does not purchase the land with any restrictions. The restrictions come from the grant providers. The City could put on any additional restrictions. They do an appraisal on fair-market value basis. The Church had an appraisal of the property, for residential development, done in 2007, and it was appraised at \$1.5 million. It was a somewhat larger plot, 50 acres, at the time.

Administrator Thomas said an individual from the State had contacted her about a deadline of Sept. 4, and he thought it was a great project and a good candidate. The City had to get a pre-application in to be able to apply later. She executed a pre-application at that time.

Councilperson Gaworski said he felt it was a plus for the City long term—a lot of things that could be done there.

President Barthel said there is lot of interest with Council and asked that Church officials keep the City Council updated.

3. Discussion and update on the City borrowing funds for stormwater projects and information from the City requested by professionals working on moving the projects forward.

President Barthel read an item from the minutes of the Sept. 28 meeting of the Trustees of the New Castle Common that involved the Trustees discussing the stormwater projects. The Trustees board was in general agreement that the projects were viable, needed, long overdue and most importantly represent the type of projects the Trust mission describes. Trustee Appleby moved to approve the \$190,000 in Trust funds to enable the City to proceed with the project. It carried unanimously.

President Barthel said it was very good news.

President Barthel asked City Council if they wanted to proceed even if the City is responsible for the \$190,000 for engineering and permitting costs. The Council concurred on moving forward.

Councilperson Cochran made a motion to adjourn the meeting. Councilperson Gaworski seconded the motion. It passed unanimously

The meeting adjourned at 7:06 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk